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ence to the American Senate, on the assumption that it was a mere administrative agreement. But in April, 1818, President Monroe submitted the matter to the consideration of the Senate, and that body promptly ratified it. It would seem that such ratification was essential to the complete validity of the arrangement. One condition is that "If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice." Now, of course, it is competent for any president to make an agreement with reference to a mutual disarmament, and he will then be bound in honor to carry it out. If a part of this agreement involves a six months' notice as a prerequisite to annulment, there is no doubt that this, too, he would be under moral obligation to maintain. But, surely, no such mere personal compact could be legally binding on any successor. No foreign government would be entitled to demand the six months' notice as an international right. To make such stipulation a legal obligation on the government of the United States it would be necessary that it be an agreement, not merely of the Executive, who is not empowered by the constitution to make compacts with foreign nations, but of the constitutional treaty-making power. In point of fact this has been done in case of the "agreement" of 1817. It was made by the President and confirmed by the Senate. That being the case, and, as has been seen, the agreement also having been ratified by the British treaty-making power, it would seem that the "arrangement," the "agreement" of 1817, is to all intents and purposes a treaty, and as such is legally binding on both parties.

HARRY PRATT JUDSON.

A Memoir of Robert C. Winthrop, 1809-1894, prepared for the Massachusetts Historical Society by ROBERT C. WINTHROP, JR. (Boston: Little, Brown and Co. 1897. Pp. vi, 358.)

Few men could be named in all that portion of our history in which he lived—save only the great characters of the war period itself—whose memoir will be welcomed by a greater number and variety of readers than that of Robert C. Winthrop. Rare indeed have been the men, distinguished in any sphere or specialty of active life, who have been permitted to labor on and win in it an abiding name, for the long years—well nigh three score and ten—which were the lot to the subject of this memoir. But his was no special work. Indeed what is written over his tomb at Mount Auburn, "Eminent as a Scholar, an Orator, a Statesman and a Philanthropist,—above all a Christian," does but faintly measure the full scope of his life-work, active to the end. Mr. Winthrop's personality, so unlike that of any other one who lived in his time in this country, was carried into everything he did, and into all his public career, making everything pertaining to him and his work especially interesting. This book is not his "Life" nor his "Works." They have been many years

before the public and have more than justified the inscription, which filial partiality might otherwise have been excused in appropriating. But this *Memoir* brings to the public notice, not the "Works" of Mr. Winthrop, but Mr. Winthrop in his work ;—how, and under what conditions, what influences, passions, and in spite of what adverse winds and waves and currents he had worked, patiently and confidently awaiting the judgment of those who should come after him upon what he had been able to contribute to the public service.

Beyond his distinguished public career, during the most crucial period in our history, there cluster around the old historic name of Winthrop many rare characteristics so interwoven into the story of his own life as to render this book most attractive and interesting. He came of a stock born to be heard and felt among men, and who for more than two hundred years had been the counsellors of the people as they grew up from a ship-load of feeble emigrants to a great nation. He was the seventh in direct line from that John Winthrop, governor of the Massachusetts Colony more than two hundred and fifty years ago, whose statue, standing for his state, is the first on the right of the door as you pass into the National Statuary Hall at Washington, typifying in every lineament of feature and pose of figure, the brain and will power of the great leader he was. Pedigree counts for but little with us, but when strong traits of character follow blood as they sometimes do, and shape and color the career of men generation after generation, they help much in the study and estimate of men's lives. Especially is this true of the Winthrops. There was never lacking, in any one of the six generations between the founder of the family in this country, and Robert C. Winthrop, some one embodying in his person and in his place among his fellowmen those great traits of character and purposes of life that the first governor brought over from England and so signally illustrated in the early days of our colonial history. The reader of this book will find much in the public life of Mr. Winthrop traceable to this origin, which would be otherwise not easy of explanation, but, for this reason, all the more interesting and attractive.

Mr. Winthrop was destined from the outset for a political career, and was educated accordingly, just as others are educated for the ministry or the law, or to be physicians. And every possible opportunity that ample means and family pride could supply was given him for the most complete equipment. His oration at graduating, entitled "Public Station," had a political tinge, and, curiously enough, was charged with *sectionalism*, a charge which in one shape or another hovered around nearly all he did in after life. Quoting from the Psalms, he exclaimed with David, "Promotion cometh neither from the East, nor from the West, nor yet from the South." A distinguished Virginian in the audience, who was afterward Speaker of the House of Representatives and Minister to England, took this in high dudgeon as an insult to the South and ostentatiously refused, on that account, to attend a reception given the young orator by his father when the exercises were over. Thus at

the early age of nineteen, he came into public notice as a young orator of rare attainment and promise, and he so acquitted himself on frequent occasions afforded him in Faneuil Hall and other noted gatherings, as to win for him at the outset very high rank, as an effective and eloquent speaker, which he maintained with increasing reputation as long as he remained in public life.

He plunged at once into politics, toward which all his early training had been directed. He adopted without question or qualification the political creed of the old Whig party, then dominant in his native state and powerful in numbers and weight throughout the Union, as that creed was then expounded by its great leaders and at that time universally held by the rank and file. As it then stood he adhered to it to the very letter, unchanged as long as he acknowledged allegiance to any political organization. He would as soon have listened to a modification or interpolation into the Thirty-Nine Articles, as to any modification of the doctrine to which he had subscribed. "*The Constitution as it is, our Union as it is, our Territory as it is.*" This was to him the Law and the Prophets, and by it he judged all measures and all policies, while he continued in the public service, and in that interest with which he followed public affairs through life. No one will judge Mr. Winthrop justly who loses sight of this, to him, unchangeable rule of conduct. With a thorough knowledge of the perils out of which the Constitution had come into existence, it was his firm belief that it could safely encounter the new perils confronting it, only by maintaining it with all its covenants and compromises just as it came from the fathers. It was his firm conviction that in the storm that was gathering over slavery extension, attempts to either promote or check it by change or disregard of the organic law were equally hazardous, and should be frowned upon, in whatever guise they came. No other interpretation of the creed of the Whig party was held by any one at the time of Mr. Winthrop's adhesion to it, and any other always appeared to him full of peril. He took at once a leading part in its deliberations and work, and became its pet and idol. He had hardly reached thirty years of age when he had been six years a member of the Massachusetts Legislature, and three of these the Speaker of the House, then consisting of more than five hundred members, and had been elected to Congress, of which he soon became the presiding officer. The highest honors of the republic seemed within his reach.

Mr. Winthrop's ability and attainments fully justified his rapid rise. As a classical scholar, as a graceful and eloquent speaker, as well as powerful debater replete with knowledge of all history, his influence in the public counsels made him prominent before all other aspirants for public distinction. His speeches in Congress, and at noted times while he was in the public service, and especially his addresses and orations on rare occasions after his retirement, already before the public in the four volumes of *Addresses and Speeches* published during his lifetime, are of inestimable value to every public man as a reference on all great questions

which have arisen for discussion within the last fifty years. They are a record of views and conclusions on the gravest of issues, which will stand the test of subsequent examination in the light of accomplished facts, with less qualification than that left behind by any of his contemporaries.

But this *Memoir* has been published rather to reveal the real inner man of one who brought to the public service great ability, rare gifts, and a pure and ardent patriotism, at a period in our history so surcharged with passions and prejudices as to render a just judgment of the motives of those who differed from current opinion well-nigh impossible. The time has been well chosen, and the work admirably done. Time has taken the false coloring out of acts that once seemed equivocal, and has brought to the clearer and juster judgment of men efforts to avert a gathering storm, the fearful consequences of which an over-ruling Providence has averted. The public can look with more calmness and with a juster balance now than in the heat of the war upon differences about the best methods of averting it or of bringing it to a successful issue. And the son has in this book, with admirable temper and candor, laid before the public the inner purposes and struggles of his distinguished father to ward off national perils no one could measure, and which, as he saw the light, dim at best, were sometimes seriously aggravated by indiscretions of others equally patriotic. But when the war came, and debate had closed, how grandly does this *Memoir* reveal the real character of Mr. Winthrop. It is all told in a single incident. No two men differed more widely as to the line of duty, up to the first gun at Sumter, than Henry Wilson and Mr. Winthrop. But these two men forgot all differences when, on Boston Common, Winthrop presented to Wilson's regiment, in words that stirred the blood in every patriotic heart, the flag it was to follow and fight for. Those who fought for the Union had no more efficient or constant supporter than this statesman, whose efforts to avert a conflict had relegated him to private life.

But this true patriot did not sulk in his tent on his enforced retirement, but still with untiring assiduity devoted himself to the public service. In every possible way during the war, he contributed to the efficiency and care of the army in the field. And after the war was over, all the remainder of his days were full of efforts to build up the waste places, and re-establish the grandeur of the Union. The record of his work for a quarter of a century in the administration of the Peabody fund, of the oft-repeated appeals in behalf of the poor and ignorant brought into citizenship by the social upheavals of the war, his grand contributions to the patriotic literature of the country during this period, in his centennial addresses at Bunker Hill and Yorktown, at the completion of Washington's monument, and on other noted occasions, are a legacy to coming generations of priceless value.

This book was written for the Massachusetts Historical Society, as a memorial of one who had been its president for thirty years, that there might be left on its records a tribute to his great worth and work. It is more. It is the tribute of a son, loyal to a good name of which he is

justly proud, giving coloring enough to win for him the respect of every generous reader. It sets down nothing in malice, nor exaggerates any claim, but the story is told in a style which has just enough flavor of the old Winthrop wine to make it attractive. It has been well done and the general reader cannot afford to miss it.

HENRY L. DAWES.

The Old Santa Fé Trail; The Story of a Great Highway. By Colonel HENRY INMAN, late Assistant Quartermaster, United States Army. (New York and London: The Macmillan Company. 1898. Pp. xvi, 493.)

FIFTY years ago passage across "the plains" between the Missouri River and the mountains was made by one of two routes: the Oregon trail by the Platte River valley and the Santa Fé trail by the Arkansas. The former or northern was the route of emigrants intending to settle on the Pacific coast, in Oregon chiefly, for gold had not then been discovered in California and emigrants from the East had not been attracted to that region. The southern or Santa Fé trail was mainly a route of trade, by which all the region of New Mexico was supplied with articles not produced there and returned in payment the furs of the mountains, the buffalo skins of the plains, the gold of the placer mines and the silver of Mexico. A few emigrants took the southern trail and some traffic the northern, and each was familiar to the hunters, trappers and Indian traders of the mountain region.

Between these routes Parkman hesitated for a moment before starting on the expedition of which he has left that fascinating narrative, the first of his published works, *The Oregon Trail*. For his purpose he of course decided wisely in favor of the northern route. He wished to see and study the Indian as nearly as was then possible in his primitive condition. The Dakotahs, Crows, Blackfeet and other tribes of the North had scarcely seen white men, except the half-wild hunters and trappers who frequented their country, and their character or customs had not appreciably changed since the time when this continent was unknown to the rest of the world. The Comanches, Arrapahoes, Apaches, Navahoes and other southern tribes had been for generations or even for centuries more or less in contact with white people, and, though still essentially savage, had been more or less superficially influenced by them. Yet for most adventurous travelers, seeking new and strange scenes and incidents, the Santa Fé trail had superior attractions. Trade is commonly esteemed prosaic, but this form of traffic had in it enough of novelty and variety of scene, person, incident and danger to remove it beyond the region of the commonplace and give it a flavor of romance quite unlike anything to be found in the business of ordinary life in our country and time.

The great highway, broad and well worn by travel, stretching out for eight hundred miles through a vast expanse of level or gently rolling prairie, seeming to the eye as boundless as the ocean, with no landmarks